

SENATE, No. 2852

STATE OF NEW JERSEY
214th LEGISLATURE

INTRODUCED MAY 12, 2011

Sponsored by:

Senator ANDREW R. CIESLA

District 10 (Monmouth and Ocean)

Senator THOMAS H. KEAN, JR.

District 21 (Essex, Morris, Somerset and Union)

Co-Sponsored by:

Senator Bateman

SYNOPSIS

Specifies additional offenses and penalties for torturing or tormenting an animal; designated as Patrick's Law.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 7/8/2011)

1 AN ACT concerning animal cruelty and designated as Patrick's Law,
2 and amending R.S.4:22-17 and R.S.4:22-26.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. R.S.4:22-17 is amended to read as follows:

8 4:22-17. a. A person who shall:

9 (1) Overdrive, overload, drive when overloaded, overwork,
10 **【deprive of necessary sustenance,】** abuse, or needlessly kill a living
11 animal or creature;

12 (2) Cause or procure, by any direct or indirect means, including
13 but not limited to through the use of another living animal or
14 creature, any such acts to be done; or

15 (3) **【Inflict】** Except as otherwise provided for under paragraph
16 (1) or (2) of subsection b. of this section, inflict unnecessary cruelty
17 upon a living animal or creature, by any direct or indirect means,
18 including but not limited to through the use of another living animal
19 or creature; or unnecessarily fail to provide a living animal or
20 creature of which the person has charge either as an owner or
21 otherwise with proper food, drink, shelter or protection from the
22 weather; or leave it unattended in a vehicle under inhumane
23 conditions adverse to the health or welfare of the living animal or
24 creature--

25 Shall be guilty of a disorderly persons offense, and
26 notwithstanding the provisions of N.J.S.2C:43-3 to the contrary, for
27 every such offense shall be fined not less than \$250 nor more than
28 \$1,000, or be imprisoned for a term of not more than six months, or
29 both, in the discretion of the court. A violator of this subsection
30 shall also be subject to the provisions of subsection c. and, if
31 appropriate, subsection d. of this section.

32 b. A person who shall purposely, knowingly, or recklessly:

33 (1) Torment **【,】** or torture 【, maim】 a living animal or creature
34 in any manner, including, but not limited to, failing to feed or care
35 for the animal or creature until it is emaciated or near death from
36 lack of food or other care;

37 (2) Place a living animal or creature inside any container capable
38 of suffocating the animal or creature or concealing it from
39 necessary attention to sustain life, including, but not limited to, a
40 bag, box, or other semi-airtight or airtight container;

41 (3) Abandon a living animal or creature without care from the
42 owner or a designated care provider or in any location other than
43 the premises owned and occupied by the owner of the animal or
44 creature or by the designated care provider;

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 (4) Maim, hang, poison, unnecessarily or cruelly beat, or
2 needlessly mutilate a living animal or creature; or

3 **[(2)]** (5) Cause or procure, by any direct or indirect means,
4 including but not limited to through the use of another living animal
5 or creature, any such acts to be done --

6 Shall be guilty of a crime of the fourth degree.

7 If the animal or creature is cruelly killed or dies as a result of a
8 violation of this subsection, or the person has a prior conviction for
9 a violation of this subsection, the person shall be guilty of a crime
10 of the third degree.

11 A violator of this subsection shall also be subject to the
12 provisions of subsection c. and, if appropriate, subsection d. of this
13 section.

14 c. For a violation of subsection a. or b. of this section, in
15 addition to imposing any other appropriate penalties established for
16 a crime of the third degree, crime of the fourth degree, or
17 disorderly persons offense, as the case may be, pursuant to Title 2C
18 of the New Jersey Statutes, the court shall impose a term of
19 community service of up to 30 days, and may direct that the term of
20 community service be served in providing assistance to the New
21 Jersey Society for the Prevention of Cruelty to Animals, a district
22 (county) society for the prevention of cruelty to animals, or any
23 other recognized organization concerned with the prevention of
24 cruelty to animals or the humane treatment and care of animals, or
25 to a municipality's animal control or animal population control
26 program. The court also may require the violator to pay restitution
27 or otherwise reimburse any costs for food, drink, shelter, or
28 veterinary care or treatment, or other costs, incurred by any agency,
29 entity, or organization investigating the violation, including but not
30 limited to the New Jersey Society for the Prevention of Cruelty to
31 Animals, a district (county) society for the prevention of cruelty to
32 animals, any other recognized organization concerned with the
33 prevention of cruelty to animals or the humane treatment and care
34 of animals, or a local or State governmental entity.

35 d. If a juvenile is adjudicated delinquent for an act which, if
36 committed by an adult, would constitute a disorderly persons
37 offense pursuant to subsection a. of this section or a crime of the
38 third degree or crime of the fourth degree pursuant to subsection b.
39 of this section, the court also shall order the juvenile to receive
40 mental health counseling by a licensed psychologist or therapist
41 named by the court for a period of time to be prescribed by the
42 licensed psychologist or therapist.

43 (cf: P.L.2005, c.105, s.1)

44

45 2. R.S.4:22-26 is amended to read as follows:

46 4:22-26. A person who shall:

47 a. (1) Overdrive, overload, drive when overloaded, overwork,
48 **【deprive of necessary sustenance,】** abuse, or needlessly kill a living

- 1 animal or creature, or cause or procure, by any direct or indirect
2 means, including but not limited to through the use of another living
3 animal or creature, any such acts to be done;
- 4 (2) (a) Torment **[,]** or torture **[, maim]** a living animal or
5 creature, including, but not limited to, failing to feed or care for the
6 animal or creature until it is emaciated or near death from lack of
7 food or other care;
- 8 (b) Place a living animal or creature inside any container capable
9 of suffocating the animal or creature or concealing it from
10 necessary attention to sustain life, including, but not limited to, a
11 bag, box, or other semi-airtight or airtight container;
- 12 (c) Abandon a living animal or creature without care from the
13 owner or a designated care provider or in any location other than
14 the premises owned and occupied by the owner of the animal or
15 creature or by the designated care provider;
- 16 (d) Maim, hang, poison, unnecessarily or cruelly beat, or
17 needlessly mutilate a living animal or creature **[,] ; or [cause]**
- 18 (e) Cause or procure, by any direct or indirect means, including
19 but not limited to through the use of another living animal or
20 creature, any such acts to be done;
- 21 (3) Cruelly kill, or cause or procure, by any direct or indirect
22 means, including but not limited to through the use of another living
23 animal or creature, the cruel killing of, a living animal or creature,
24 or otherwise cause or procure, by any direct or indirect means,
25 including but not limited to through the use of another living animal
26 or creature, the death of a living animal or creature from
27 commission of any act described in paragraph (2) of this subsection;
- 28 b. (Deleted by amendment, P.L.2003, c.232).
- 29 c. **[Inflict]** Except as otherwise provided for under
30 subparagraphs (a), (c), or (e) of paragraph (2) of subsection a. of
31 this section, inflict unnecessary cruelty upon a living animal or
32 creature, by any direct or indirect means, including but not limited
33 to through the use of another living animal or creature; or
34 unnecessarily fail to provide a living animal or creature of which
35 the person has charge either as an owner or otherwise with proper
36 food, drink, shelter or protection from the weather; or leave it
37 unattended in a vehicle under inhumane conditions adverse to the
38 health or welfare of the living animal or creature;
- 39 d. Receive or offer for sale a horse that is suffering from abuse
40 or neglect, or which by reason of disability, disease, abuse or
41 lameness, or any other cause, could not be worked, ridden or
42 otherwise used for show, exhibition or recreational purposes, or
43 kept as a domestic pet without violating the provisions of this
44 article;
- 45 e. Keep, use, be connected with or interested in the
46 management of, or receive money or other consideration for the
47 admission of a person to, a place kept or used for the purpose of
48 fighting or baiting a living animal or creature;

- 1 f. Be present and witness, pay admission to, encourage, aid or
2 assist in an activity enumerated in subsection e. of this section;
- 3 g. Permit or suffer a place owned or controlled by him to be
4 used as provided in subsection e. of this section;
- 5 h. Carry, or cause to be carried, a living animal or creature in
6 or upon a vehicle or otherwise, in a cruel or inhumane manner;
- 7 i. Use a dog or dogs for the purpose of drawing or helping to
8 draw a vehicle for business purposes;
- 9 j. Impound or confine or cause to be impounded or confined in
10 a pound or other place a living animal or creature, and shall fail to
11 supply it during such confinement with a sufficient quantity of good
12 and wholesome food and water;
- 13 k. Abandon a maimed, sick, infirm or disabled animal or
14 creature to die in a public place;
- 15 l. Willfully sell, or offer to sell, use, expose, or cause or permit
16 to be sold or offered for sale, used or exposed, a horse or other
17 animal having the disease known as glanders or farcy, or other
18 contagious or infectious disease dangerous to the health or life of
19 human beings or animals, or who shall, when any such disease is
20 beyond recovery, refuse, upon demand, to deprive the animal of
21 life;
- 22 m. Own, operate, manage or conduct a roadside stand or market
23 for the sale of merchandise along a public street or highway; or a
24 shopping mall, or a part of the premises thereof; and keep a living
25 animal or creature confined, or allowed to roam in an area whether
26 or not the area is enclosed, on these premises as an exhibit; except
27 that this subsection shall not be applicable to: a pet shop licensed
28 pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who
29 keeps an animal, in a humane manner, for the purpose of the
30 protection of the premises; or a recognized breeders' association, a
31 4-H club, an educational agricultural program, an equestrian team, a
32 humane society or other similar charitable or nonprofit organization
33 conducting an exhibition, show or performance;
- 34 n. Keep or exhibit a wild animal at a roadside stand or market
35 located along a public street or highway of this State; a gasoline
36 station; or a shopping mall, or a part of the premises thereof;
- 37 o. Sell, offer for sale, barter or give away or display live baby
38 chicks, ducklings or other fowl or rabbits, turtles or chameleons
39 which have been dyed or artificially colored or otherwise treated so
40 as to impart to them an artificial color;
- 41 p. Use any animal, reptile, or fowl for the purpose of soliciting
42 any alms, collections, contributions, subscriptions, donations, or
43 payment of money except in connection with exhibitions, shows or
44 performances conducted in a bona fide manner by recognized
45 breeders' associations, 4-H clubs or other similar bona fide
46 organizations;

- 1 q. Sell or offer for sale, barter, or give away living rabbits,
2 turtles, baby chicks, ducklings or other fowl under two months of
3 age, for use as household or domestic pets;
- 4 r. Sell, offer for sale, barter or give away living baby chicks,
5 ducklings or other fowl, or rabbits, turtles or chameleons under two
6 months of age for any purpose not prohibited by subsection q. of
7 this section and who shall fail to provide proper facilities for the
8 care of such animals;
- 9 s. Artificially mark sheep or cattle, or cause them to be
10 marked, by cropping or cutting off both ears, cropping or cutting
11 either ear more than one inch from the tip end thereof, or half
12 cropping or cutting both ears or either ear more than one inch from
13 the tip end thereof, or who shall have or keep in the person's
14 possession sheep or cattle, which the person claims to own, marked
15 contrary to this subsection unless they were bought in market or of
16 a stranger;
- 17 t. Abandon a domesticated animal;
- 18 u. For amusement or gain, cause, allow, or permit the fighting
19 or baiting of a living animal or creature;
- 20 v. Own, possess, keep, train, promote, purchase, or knowingly
21 sell a living animal or creature for the purpose of fighting or baiting
22 that animal or creature;
- 23 w. Gamble on the outcome of a fight involving a living animal
24 or creature;
- 25 x. Knowingly sell or barter or offer for sale or barter, at
26 wholesale or retail, the fur or hair of a domestic dog or cat or any
27 product made in whole or in part from the fur or hair of a domestic
28 dog or cat, unless such fur or hair for sale or barter is from a
29 commercial grooming establishment or a veterinary office or clinic
30 or is for use for scientific research;
- 31 y. Knowingly sell or barter or offer for sale or barter, at
32 wholesale or retail, for human consumption, the flesh of a domestic
33 dog or cat or any product made in whole or in part from the flesh of
34 a domestic dog or cat;
- 35 z. Surgically debark or silence a dog in violation of section 1
36 or 2 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);
- 37 aa. Use a live pigeon, fowl or other bird for the purpose of a
38 target, or to be shot at either for amusement or as a test of skill in
39 marksmanship, except that this subsection and subsections bb. and
40 cc. shall not apply to the shooting of game;
- 41 bb. Shoot at a bird used as described in subsection aa. of this
42 section, or is a party to such shooting; or
- 43 cc. Lease a building, room, field or premises, or knowingly
44 permit the use thereof for the purposes of subsection aa. or bb. of
45 this section --
- 46 Shall forfeit and pay a sum according to the following schedule,
47 to be sued for and recovered, with costs, in a civil action by any
48 person in the name of the New Jersey Society for the Prevention of

1 Cruelty to Animals or a county society for the prevention of cruelty
2 to animals, as appropriate, or, in the name of the municipality if
3 brought by a certified animal control officer or animal cruelty
4 investigator:

5 For a violation of subsection e., f., g., u., v., w., or z. of this
6 section or of paragraph (3) of subsection a. of this section, or for a
7 second or subsequent violation of any subparagraph of paragraph
8 (2) of subsection a. of this section, a sum of not less than \$3,000 nor
9 more than \$5,000;

10 For a violation of subsection l. of this section or for a first
11 violation of any subparagraph of paragraph (2) of subsection a. of
12 this section, a sum of not less than \$1,000 nor more than \$3,000;

13 For a violation of subsection x. or y. of this section, a sum of not
14 less than \$500 nor more than \$1,000 for each domestic dog or cat
15 fur or fur or hair product or domestic dog or cat carcass or meat
16 product;

17 For a violation of subsection t. of this section, a sum of not less
18 than \$500 nor more than \$1,000, but if the violation occurs on or
19 near a highway, a mandatory sum of \$1,000;

20 For a violation of subsection c., d., h., j., k., aa., bb., or cc. of this
21 section or of paragraph (1) of subsection a. of this section, a sum of
22 not less than \$250 nor more than \$1,000; and

23 For a violation of subsection i., m., n., o., p., q., r., or s. of this
24 section, a sum of not less than \$250 nor more than \$500.

25 (cf: P.L.2005, c.372, s.16)

26

27 3. This act shall take effect immediately.

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29

30

STATEMENT

31

32 This bill, designated as Patrick's Law, specifies that tormenting
33 or torturing a living animal includes failing to feed or care for it
34 until it is emaciated or near death from lack of food or other care.
35 Such an act or causing such an act to be done would be a crime of
36 the fourth degree, and if the animal died as a result, it would be a
37 crime of the third degree. The person would also be liable for a
38 civil penalty of \$1,000 to \$3,000 for the first offense and \$3,000 to
39 \$5,000 for the second or subsequent offense.

40 The bill further specifies that the following acts of cruelty (or
41 causing such acts to be done) would be a crime of the fourth degree,
42 and if the animal died as a result, it would be a crime of the third
43 degree:

44 1) placing a living animal inside any container capable of
45 suffocating the animal or concealing it from necessary attention to
46 sustain life, including, but not limited to, a bag, box, or other semi-
47 airtight or airtight container;

1 2) abandoning a living animal, without care from the owner or a
2 designated care provider, in any location other than the premises
3 owned and occupied by the owner of the animal or by the
4 designated care provider.

5 The person would also be liable for a civil penalty of \$1,000 to
6 \$3,000 for the first offense and \$3,000 to \$5,000 for the second or
7 subsequent offense.

8 Crimes of the fourth degree are punishable by up to 18 months
9 imprisonment, a fine of up to \$10,000, or both. Crimes of the third
10 degree are punishable by three to five years imprisonment, a fine of up
11 to \$15,000, or both.

12 This bill is being introduced in response to the treatment of
13 Patrick, a pit bull in Newark, NJ, which after being starved to an
14 extremely emaciated condition, was placed in a garbage bag, and
15 dropped down a garbage chute in an apartment complex in that city.
16 The dog is now being cared for and recuperating after a
17 maintenance person in the building collecting garbage noticed
18 movement in one of the garbage bags and found the dog still alive
19 inside.